

RECORDED AT REQUEST OF:
THE CITY CLERK OF THE
CITY OF SUNNYVALE

WHEN RECORDED MAIL TO:

City of Sunnyvale
Susan Ramos, City Clerk
P.O. Box 3707
Sunnyvale, CA 94088

NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE VACATING A PORTION OF DARTSHIRE WAY
AND RESERVING A PUBLIC UTILITY EASEMENT**

WHEREAS, the City of Sunnyvale, pursuant to Streets and Highways Code Section 8300, *et seq.*, is authorized to vacate street rights-of-way; and

WHEREAS, that certain land known as a portion of Dartshire Way (hereinafter "Dartshire right-of-way"), more particularly described in Exhibits A-1 through A-6 attached hereto, consisting of six (6) pages, is a dedicated street right-of-way that is not developed as a street and is not in use as a public street; and

WHEREAS, Pacific Gas and Electric and SBC California have stated that there are or may be utilities in place and in use on the Dartshire right-of-way and require the reservation of a public utility easement if the Dartshire right-of-way is vacated, which easement is described in Exhibit B-1 and shown on Exhibit B-2; and

WHEREAS, the proposed vacation of the Dartshire right-of-way has been reviewed by appropriate City departments and the Project Review Committee; and

WHEREAS, a Notice of Public Hearing to consider the vacation of the Dartshire right-of-way was published for at least two successive weeks prior to the February 8, 2005, public hearing in a newspaper that is published in the City of Sunnyvale and is designated for the publication of notices and at least three copies of then notice of hearing were posted at least two weeks before the hearing along the Portion of the Dartshire right-of-way to be vacated, pursuant to Sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, the adjacent property owners have consented to the vacation of the Dartshire right-of-way; and

WHEREAS, on February 8, 2005, the City Council held a hearing on the proposed vacation of the Dartshire right-of-way and heard evidence and testimony from all persons interested; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing the City's interest in the Dartshire right-of-way, reserving and exempting from the vacation a public utility easement in a portion of the right-of-way being vacated.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council finds and determines that:
 - (a) Vacation of the Dartshire right-of-way is in conformity with the General Plan; and
 - (b) The Dartshire right-of-way is not useful as a bicycle path or route; and
 - (c) The Dartshire right-of-way is unnecessary for present or prospective public use or purpose.
2. The City Council hereby vacates and closes the Dartshire right-of-way, as more particularly described in Exhibits A, pursuant to Streets and Highways Code §§ 8320 *et seq.*, reserving and exempting therefrom a public utility easement in a portion of the right-of-way being vacated, as described and shown in Exhibit B.
3. The City Council hereby authorizes and directs the City Clerk to record a certified copy of this resolution, attested by the City Clerk under seal, with the Santa Clara County recorder's office.
4. Commencing with the date of recording of this resolution, the Dartshire right-of-way shall no longer be a public street easement.

Adopted by the City Council at a regular meeting held on February 8, 2005, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

EXHIBIT "A-1"
FOR VACATION PURPOSES

PARCEL A

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly Panama Avenue, being 40 feet in width, as shown in Map of the Lewis Subdivision No. 5, filed in Book "O" of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southwesterly corner of Lot 7 as designated in Book "O", of maps at page 54 and common to the north line of said Dartshire Way, as designated on said Map of the Lewis Subdivision No 5.;

Thence leaving said corner and along the north line of said Dartshire Way, North 89°35'00" East, 96.00 feet to the southwest corner of lot 11 designated on that certain map of Tract No. 3181 entitled "Greentree Unit No.1" filed May 17th 1962 in Book 147 Page 12 & 13, Official Records of Santa Clara County;

Thence leaving said corner of said Lot 11, South 00°25'00" East 20.00 feet to the centerline of said Dartshire Way;

Thence along said centerline of Dartshire Way, South 89°35'00" West, 96.00 feet to a point on the east line of Lot 83, designated on that certain map of Tract No. 3234 entitled "Greentree Unit No. 2" filed August 3rd, 1962 in book 150 at maps on page 37;

Thence along said east line of Lot 83, North 00°25'00" West, 20.00 feet to the **POINT OF BEGINNING**.

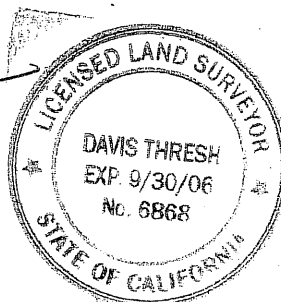
Parcel A contains an area of 1920 square feet, more or less.

For: BKF Engineers

By: 

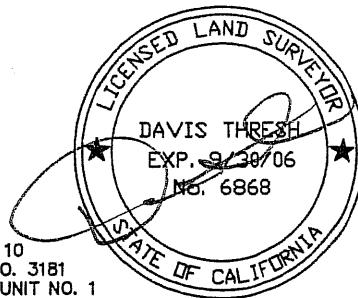
Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 1-31-2005



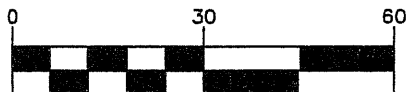
LOT 80
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37

PARCEL A
217 PM 38
711 GLENCOE CT
SUNNYVALE, CA 94087
APN 309-13-27
0.207 ACRES ±



LOT 10
TRACT NO. 3181
GREENTREE UNIT NO. 1
309-13-028
712 GLENCOE CT
SUNNYVALE, CA 94087
147 M 12&13

LOT 81
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37



(SCALE IN FEET)

LEGEND

P.U.E. PUBLIC UTILITY EASEMENT
W.C.E. WIRE CLEARANCE EASEMENT
P.O.B. POINT OF BEGINNING

LOT 7
BOOK "O" PAGE 54

PARCEL B
217 PM 38

701 DARTSHIRE WAY
SUNNYVALE, CA 94087
APN 309-13-040
0.286 ACRES ±

LOT 11
TRACT NO. 3181
GREENTREE UNIT NO. 1
309-13-039
709 DARTSHIRE WAY
SUNNYVALE, CA 94087
147 M 12&13

PROPOSED VACATION TO
709 DARTSHIRE WAY
SUNNYVALE, CA 94087

P.O.B.

LOT 83
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37

N89°35'00"E 96.00'

PARCEL "A" (1920 SQ. FT.±)
VACATION TO
701 DARTSHIRE WAY
SUNNYVALE, CA 94087

2'x15' AE
147 M 12&13

(FORMERLY PANAMA AVE)
DARTSHIRE

WAY

PROPOSED VACATION TO
1459 FLAMINGO WAY
SUNNYVALE, CA 94087

S89°35'00"W 96.00'

LOT 12
TRACT NO. 2944
FAIRWOOD
309-27-055
1458 FIREBIRD WAY
SUNNYVALE, CA 94087
134 M 8&9

5' P.U.E.
TRACT NO. 2944
FAIRWOOD
134 M 8&9

5' W.C.E.
TRACT NO. 2944
FAIRWOOD
134 M 8&9

LOT 1
TRACT NO. 2944
FAIRWOOD
309-27-044
1459 FLAMINGO WAY
SUNNYVALE, CA 94087
134 M 8&9

FLAMINGO

WAY

K:\SUR04\046019\DWG\VAC PLAT1.dwg
SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

ADDRESS: 701 DARTSHIRE WAY, SUNNYVALE, CA. 94087



BKF

ENGINEERS / SURVEYORS / PLANNERS

981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408-467-9100
408-467-9199 (FAX)

Subject VACATION PLAT

Job No. 20046019-10

By SM Date 1-31-05 Chkd. JVK
SHEET 1 OF 1

EXHIBIT "A-3"
FOR VACATION PURPOSES

PARCEL B

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly known as Panama Avenue, being 40 feet in width as shown on Map of the Lewis Subdivision No. 5, filed in Book "O" of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the northeast corner of Lot 1, as designated on map of Tract No. 2944, entitled "Fairwood" filed June 15th 1961 in Book 134 of Maps at Pages 8 and 9, Records of Santa Clara County and common with the south line of said Dartshire Way.

Thence South 89°35'00" West, 109.76 feet to the southeast corner of Lot 83, as designated on map of Tract No. 3234 entitled "Greentree" Unit No.2 filed August 3rd 1962 in book 150 maps at page 37.

Thence leaving said corner of said Lot 83, North 00°25'00" West, 20.00 feet to the centerline of said Dartshire Way, formerly known as Panama Avenue, being 40 feet in width;

Thence along said centerline of Dartshire Way, North 89°35'00" East, 110.79 feet to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from said point a radial line bears South 77°24'50" East;

Thence southerly along said curve, having a central angle of 13°00'48" and an arc length of 9.09 feet;

Thence South 00°25'38" East 10.99 feet to the **POINT OF BEGINNING**

Parcel "B" contains an area of 2198 square feet, more or less.

For: BKF Engineers

By: 

Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 1-31-2005



EXHIBIT "A-4"

EXHIBIT "A-5"

FOR VACATION PURPOSES

PARCEL C

All that certain real property situate in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

Being a portion of Dartshire Way, formerly know as Panama Avenue, being 40 feet in width as shown on Map of the Lewis Subdivision No. 5, filed in Book "O" of Maps at Page 54 on June 18th 1914, Records of Santa Clara County, more particularly described as follows:

BEGINNING at the southwest corner of Lot 11, designated on map of Tract No. 3181 entitled "Greentree Unit No. 1" filed in Book 147 Maps at Pages 12 & 13 Records of Santa Clara County;

Thence North 89°35'00" East 26.21 to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from said point a radial line bears South 43°56'52" East;

Thence southerly along said curve, having a central angle of 33°27'57" and an arc length of 23.36 feet to a point on the centerline of said Dartshire Way;

Thence South 89°35'00" West 14.79 feet along said centerline of said Dartshire Way;

Thence North 00°25'00" West 20.00 feet to the **POINT OF BEGINNING**.

Parcel "C" contains an area of 384 square feet, more or less.

For: BKF Engineers

By: _____

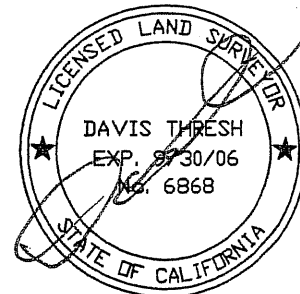
Davis Thresh, P.L.S. No. 6868
License expires: 9-30-2006

Dated: 1-31-2005

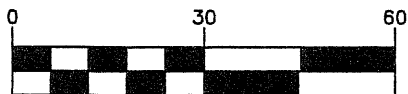


PARCEL A
217 PM 38
711 GLENCOE CT
SUNNYVALE, CA 94087
APN 309-13-27
0.207 ACRES ±

LOT 10
TRACT NO. 3181
GREENTREE UNIT NO. 1
309-13-028
712 GLENCOE CT
SUNNYVALE, CA 94087
147 M 12&13



1-31-2005



(SCALE IN FEET)

LEGEND

P.U.E. PUBLIC UTILITY EASEMENT
W.C.E. WIRE CLEARANCE EASEMENT
P.O.B. POINT OF BEGINNING
(R) RADIAL BEARING
() RECORD DATA PER 147 M 12&13

LOT 7
BOOK "O" PAGE 54

PARCEL B
217 PM 38

701 DARTSHIRE WAY
SUNNYVALE, CA 94087
APN 309-13-040
0.286 ACRES ±

LOT 11
TRACT NO. 3181
GREENTREE UNIT NO. 1
309-13-039
709 DARTSHIRE WAY
SUNNYVALE, CA 94087
147 M 12&13

PARCEL "C" (384 SQ. FT.)
VACATION TO
709 DARTSHIRE WAY
SUNNYVALE, CA 94087

P.O.B.

N00°25'00"W
20.00'

N89°35'00"E
26.21'

2'X15' AE
147 M 12&13

20'
PROPOSED VACATION TO
701 DARTSHIRE WAY
SUNNYVALE, CA 94087

20'
PROPOSED VACATION TO
1459 FLAMINGO WAY
SUNNYVALE, CA 94087

S89°35'00"W
14.79'
(14.78')

$\Delta = 33°27'57"$ (33°37'45")
R=40.00'
L=23.36'

(FORMERLY PANAMA AVE)

DARTSHIRE

WAY

FLAMINGO

WAY

5' P.U.E.
TRACT NO. 2944
FAIRWOOD
134 M 8&9

5' W.C.E.
TRACT NO. 2944
FAIRWOOD
134 M 8&9

LOT 1
TRACT NO. 2944
FAIRWOOD
309-27-044
1459 FLAMINGO WAY
SUNNYVALE, CA 94087
134 M 8&9

K:\SUR04\046019\DWG\VAC PLAT3.dwg
SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

ADDRESS: 709 DARTSHIRE WAY, SUNNYVALE, CA. 94087



981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408-467-9100
408-467-9199 (FAX)

Subject VACATION PLAT

Job No. 20046019-10

By SM Date 1-31-05 Chkd. JVK
SHEET 1 OF 1



EXHIBIT "B-1"

PUBLIC UTILITY EASEMENT

DARTSHIRE WAY

An easement for public utility purposes and incidents thereto in, over, through, across, beneath, and upon that parcel of land situated in the City of Sunnyvale, County of Santa Clara, State of California being a portion of Dartshire Way, as designated on the Parcel Map, filed December 21st 1966 in book 217 of map at page 38, Santa Clara County Records, more particularly described as follows:

BEGINNING at a point on the westerly line of Flamingo Way, said point also being the northeast corner of lot 1, as designated on the map of Tract No. 2944 entitled "Fairwood", filed June 15th 1961 in book 134 of maps at pages 8 and 9;

Thence along the northerly line of said Lot 1, South 89°35'00" West, 109.76 feet to the southeast corner of lot 83, as designated on the map of Tract No. 3234 entitled "Greentree Unit No. 2", filed August 3rd 1962 in book 150 of maps at page 37;

Thence along the east line of said Lot 83, North 00°25'00" West 40.00 feet to the southwest corner of Parcel "B" as designated on said Parcel Map;

Thence along the southerly line of said Parcel "B", North 89°35'00" East 4.94 feet;

Thence leaving said southerly line of Parcel "B", South 08°05'02" East 30.27 feet;

Thence parallel with said northerly line of said Lot 1, Tract No. 2944, North 89°35'00" East 51.97 feet;

Thence North 00°25'00" West 5.24 feet;

Thence parallel with said northerly line of said Lot 1, Tract No. 2944, North 89°35'00" East 49.04 feet to the beginning of a non-tangent curve, concave to the east, having a radius of 40.00 feet, from which a radial line bears South 84°19'55" East, said point also being on the westerly line of said Flamingo Way;

Thence southerly, along said curve and along said westerly line of Flamingo Way, through a central angle of 06°05'43", and an arc length of 4.26 feet;

Thence continue along said westerly line of Flamingo Way, South 00°25'38" East 10.99 feet to the **POINT OF BEGINNING**.

Containing an area of 1,563 square feet, more or less.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit "B-2".

EXHIBIT "B-1"

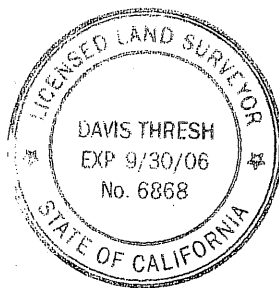
For: BKE Engineers

By: 

Davis Thresh, P.L.S. No. 6868

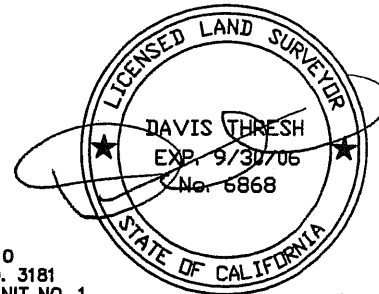
License expires: 9-30-2006

Dated: 2-2-2005



LOT 80
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37

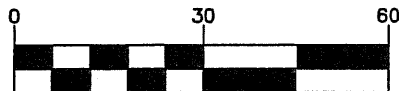
PARCEL A
217 PM 38
711 GLENCOE CT
SUNNYVALE, CA 94087
APN 309-13-27
0.207 ACRES ±



LOT 10
TRACT NO. 3181
GREENTREE UNIT NO. 1
309-13-028
712 GLENCOE CT
SUNNYVALE, CA 94087
147 M 12&13

2-2-2005

LOT 81
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37



(SCALE IN FEET)

PARCEL "B"
217 PM 38
701 DARTSHIRE WAY
SUNNYVALE, CA 94087
APN 309-13-040
0.286 ACRES ±

LEGEND

P.U.E. PUBLIC UTILITY EASEMENT
W.C.E. WIRE CLEARANCE EASEMENT
P.O.B. POINT OF BEGINNING
(R) RADIAL
() RECORD DATA PER 134 M 8&9

LOT 82
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37

LOT 11
TRACT NO. 3181
GREENTREE UNIT NO. 1
147 M 12&13
709 DARTSHIRE WAY
SUNNYVALE, CA 94087
309-13-039

LOT 83
TRACT NO. 3234
GREENTREE UNIT NO. 2
150 M 37

LOT 12
TRACT NO. 2944
FAIRWOOD
134 M 8&9
1458 FIREBIRD WAY
SUNNYVALE, CA 94087
309-27-055

LOT 1
TRACT NO. 2944
FAIRWOOD
134 M 8&9
1459 FLAMINGO WAY
SUNNYVALE, CA 94087
309-27-044

K:\SUR04\046019\DWG\EASE PLAT1&2.dwg
SUNNYVALE, SANTA CLARA COUNTY, CALIFORNIA

PLAT TO ACCOMPANY LEGAL DESCRIPTION
EXHIBIT "B"



981 RIDDER PARK DRIVE
SUITE 100
SAN JOSE, CA 95131
408-467-9100
408-467-9199 (FAX)

Subject PUBLIC UTILITY EASEMENT PLAT

Job No. 20046019-10

By SM Date 1-31-05 Chkd. JVK
SHEET 1 OF 1

EXHIBIT "B-2"